

**IVINS
CITY COUNCIL
MINUTES
November 5, 2015**

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Mayor Hart, Council Member Elwell, Council Member McDonald, Council Member Mendenhall, Council Member Roberts, and Council Member Densley.

STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Public Works Director/City Engineer Chuck Gillette, Director of Finance Wally Ritchie, and Deputy City Recorder Sharon Allen.

EXCUSED: None.

Audience: Kathy Barth, Frank Johnson, Jenny Johnson, Kim Ragan, Ronald Ragan, Judith Kapuscinski, Ken Miller, Jeff Fisher, Matter Marten, Dennis Mehr, George Stoddard, Tim Terrell, Lisa Rutherford and others who did not sign in.

A. [Acknowledgement of Quorum](#)

B. Flag Salute

Mayor Hart led the Flag Salute

C. Invocation

Council Member McDonald gave the Invocation

D. [Disclosures](#)

Council Member Steven Roberts referred to Item 5)E and disclosed that he has a son that works for one of the engineering companies. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

Mayor Hart indicated that Steve Caplin with Dixie Regional Medical Center was present and reported to the City Council. **Steve Caplin** introduced Terry Draper who is the Director of Public Relations for the Southwest Region. He provided a document for 2014 to the Mayor and City Council with statistics and accomplishments. A copy of the document is available by request through Ivins City Hall. Terri Kane is the Vice President of the Southwest Region, overseeing the operations of all three (3) hospitals and the CEO Administrator of Dixie Regional. They have two (2) boards - one is the Foundation Board which is responsible for fundraising. The other board is the Governing Board which has overall responsibility for the operations of the hospital. Dixie Regional received several awards and recognitions in 2014 and the most notable is being designated as the number one cardiovascular hospital in the country. Dixie Regional is in the process of final design for a remarkable expansion to Dixie Regional Medical Center which will provide an additional 400,000 sq. ft. with an estimated cost of \$300 million dollars. It will be the largest and most expensive construction project in the history of Washington County. There will be a building dedicated to Genomics Cancer Research which is a new approach to treating Stage 4 cancer patients. **Council Member Densley** inquired if there are plans in the future for a children's trauma center. **Steve Caplin** stated that it is currently being analyzed. **Mayor Hart** indicated that Dixie Regional Medical Center is a tremendous community asset and reminded Mr. Caplin that Ivins City does not have an Instacare and he'd like to see that on their radar.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen provided a written report to the Mayor and City Council, a copy of which is available by request through Ivins City Hall. He reported that basketball registration is going on now. Trick or Treat was held at City Hall and approximately 50 kids came through. There is a new Zumba class on Mondays, Wednesdays and Fridays. There were several Utah youth soccer games played at UNITY Park throughout October. There will be baseball tournaments held at UNITY Park and Ivins City Park on November 13 and 14. Parks staff is continuing their weekly mowing and killing of weeds. Irrigation has been scaled back for this time of year. The City is installing a new irrigation control system at UNITY Park and there were three (3) burials in October. He reported that the Veterans Walk-n-roll event will be held this Saturday, November 7, 2015 and the Run Run Reindeer run will be held on Saturday, December 5, 2015.

Chief Flowers provided a written report to the Mayor and City Council. A copy of the report is available by request through Ivins City Hall. The Public Safety Department contacted the school principals regarding training and they decided that they will provide swat training to the teachers involving different scenarios and will train during the holidays while the kids are not in the schools. The Police Department sent out 80 questionnaires to people that the department either issued a citation to, or had contact with, involving a complaint, arrest or similar. On a scale of 1 to 5 with 5 being Outstanding to Excellent, the average of the officers demeanor, behavior and response and the score was 4.7. **Mayor Hart** noted that newly elected City Council candidates Dennis Mehr, Jenny Johnson and re-elected Council Member Densley were all present at the meeting and he welcomed them to the Council. He extended thanks to all of those who signed up and ran as candidates.

B. Swearing in of Officer Kade Hardman

Chief Flowers stated the public expects a lot from officers and it becomes really important when an agency is hiring officers today to look for extraordinary people who are passionate, sensitive, and creative. All of SCI's Officers are EMT certified, fire certified and law enforcement certified. Ivins City is one of the few agencies in the State of Utah that does that. **Chief Flowers** introduced Officer Kade Hardman and swore him in. **Officer Hardman** stated he grew up in St. George and is passionate about police work. Family is very important to him and he looks forward to a long future with SCI.

C. Planning Commission Report

Commissioner Mike Scott reported that the Planning Commission did not have a meeting on Tuesday, November 3, 2015 due to the General Election.

Mayor Hart reported that Rocky Vista University turned in an application for a Conditional Use Permit. The proposed building is contemporary and consistent with the style of the City and environment in which it will be placed.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

Mayor Hart stated there were no citizen comments or request for future agenda items but there was one inquiry by Kim Ragan. **Kim Ragan** inquired about the Tuacahn roundabout center piece. **Mayor Hart** indicated that the artist is a perfectionist who is working the most complex piece that he has ever created and as much as the artist wanted to hit every one of the deadlines, the artist took the pieces back from the foundry where they were ready to be bronzed, so that the artist could make some perfecting improvements to them. It is now all ready to be bronzed but

there will be no more formal announcements as to when it will be installed but it will likely be around February or March, 2016.

4) PUBLIC HEARING AND ACTION ITEMS

A. [Public Hearing on the proposed Arts Master Plan](#)

Commissioner Mike Scott indicated that in May of this year Mayor Hart asked the Planning Commission to look at incorporating an Arts Master Plan into Ivins General Plan. There were a number of people selected to sit on a steering committee and develop the Arts Master Plan. **Mayor Hart** opened the Public Hearing. **Frank Johnson** stated they are doing a wonderful job in general and the Arts Master Plan is money well spent. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. [Discuss and consider approval of the Arts Master Plan](#)

Mayor Hart extended his personal thanks to those involved in creating the Arts Master Plan. It was a remarkable process in how quickly this was done and how skilled the Committee was. **Council Member Roberts** indicated that his questions were answered at the last meeting. There was no other discussion.

MOTION: Council Member Mendenhall moved to approve the Arts Master Plan for Ivins City

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Mendenhall	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Mayor Hart clarified that the selection of an Arts Committee will be on a future agenda. **Dale Coulam** stated that there will be a follow-up ordinance to consider to put that body in place. **Mayor Hart** indicated that in his opinion, the makeup of the committee that created the Arts Master Plan, is substantially what he would perceive the arts commission to be and should be reflective of the arts community in Ivins, with one (1) or two (2) interested citizens who are not necessarily involved in an arts organization.

C. [Public Hearing on the Preliminary Plan for Silver Sage Subdivision](#)

Kevin Rudd stated that this is located south of Center Street directly across from Tenaya Sands. The subdivision is a conventional subdivision and the zoning is RE-15 with lot sizes similar to those in Tenaya Sands. However, there is a lot averaging overlay for this subdivision meaning the average lot size must be 15,000 sq. ft. or more. **Mayor Hart** opened the Public Hearing. **Ken Miller** indicated stated there are 25 lots with six (6) of those lots that are less than 15,000 square feet, which is allowed with the lot averaging overlay. There being no other comments, **Mayor Hart** closed the Public Hearing.

D. [Discuss and consider the Planning Commission's recommendation to approve the Preliminary Plan for the Silver Sage Subdivision](#)

Council Member Roberts inquired if the subdivision connects to 200 South. **Kevin Rudd** indicated that it does, providing connectivity. Water will flow off and the streets will provide an excellent place for storm water and surface water to flow. **Council Member**

Densley inquired where the water goes. **Kevin Rudd** stated that it will drain into the street and then into a detention basin that will catch the water and slow it down and then release it onto 200 South where it will go into the underground storm drain. **Mayor Hart** explained the connectivity to these will be required to be made for the adjacent property owners to conform to that. **Kevin Rudd** indicated the Ence and Blake properties may be required to have detention basins as well when it comes time for them to build.

MOTION: Council Member Densley moved to approve the Preliminary Plan for the Silver Sage Subdivision

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Mendenhall	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. [Discuss and consider approval of a Memorandum of Understanding re: making a long-term investment in the Kayenta Arts Foundation](#)

Dale Coulam stated that the MOU and was drafted with input from KAF trying to meet the terms outlined by the City Council.

MOTION: Council Member Mendenhall moved to approve the Memorandum of Understanding, making a long-term investment in the Kayenta Arts Foundation

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Mendenhall	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

B. [Discuss and consider approval of a Resolution authorizing the issuance and sale of its industrial revenue bonds \(Tuacahn Project\), Series 2015 in the aggregate principal amount of not to exceed \\$7,000,000 \(the "Series 2015 Bonds"\)](#)

Dale Coulam indicated that this is the first conduit financing that Ivins has done. He and the Finance Director, Wally Ritchie, looked for provisions that Ivins City is not liable for the obligation and that Tuacahn is. The Revenue Pledge Agreement is a hybrid between the Memorandum of Understanding that the City Council passed and the Pledge Agreement that Washington County adopted. **Council Member Densley** clarified that Ivins City is just a conduit and is not liable for anything that would jeopardize the City in any way. He felt it is a great opportunity to get the financing that Tuacahn needs and bring more revenue and employees and put Ivins on the map even more. **Council Member Elwell** stated that his approval is based on that being the case and that it does not in any way encumber the City. **Mayor Hart** indicated that this is a positive thing and he appreciated Dale and Wally's vigilant eyes and he thinks this is

an exceptional way to accomplish things without obligating the City. **Council Member Mendenhall** clarified that this process has been going on for quite some time. She thinks that everything that Wally and Dale did, along with the Bond Council, the paperwork is in order and done really well. From the beginning and in every vote that's taken place on this particular agenda item, she has voted against because she did not believe in the original premise of what the City committed to in the beginning. She will vote against it, keeping consistent with her original vote.

MOTION: Council Member Densley moved to approve a Resolution authorizing the issuance and sale of its industrial revenue bonds (Tuacahn Project), Series 2015 in the aggregate principal amount of not to exceed \$7,000,000 (the "Series 2015 Bonds")

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	NAY

Roll call vote. Four (4) Council Members voted in favor and one (1) Council Member voted in opposition.

C. [Discuss and consider approval of Resolution No. 2015-26R, a Resolution of Ivins City, Utah, appointing an individual to the Sensitive Lands Committee](#)

Mayor Hart stated this appointment has been a long time coming. He interviewed three (3) individuals who would have done a good job on the Sensitive Lands Committee but they did not have the background the City was trying to replace, which was in geology, dealing with slopes, washes and other areas where the geologic features are of consequence. He was unable to send the City Council his bio or resume but he is a graduate Geologist who practices in that field. He understood if the Council would like to see a resume or meet Mr. Barr before making a recommendation. **James Barr** arrived and stated that he graduated in geology and specialized in hydrology. He monitored water stations, gathered information, compiled and analyzed that data and a storm water management model and then assessed the statistical analysis from that data. **Council Member Densley** inquired if he was with an engineering firm. **James Barr** indicated that he was not. The City Council would like to review his bio before making a recommendation. **Mayor Hart** requested Mr. Barr to send his resume for the Council to review. This agenda item was continued to the next City Council meeting.

MOTION: Council Member Roberts moved to continue the discussion of Resolution No. 2015-26R, a Resolution of Ivins City, Utah, appointing an individual to the Sensitive Lands Committee

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Mendenhall	AYE
Council Member Roberts	AYE

Council Member Densley	AYE
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Council Member Mendenhall was excused at 6:42 pm.

D. [Discuss and consider prioritizing projects within the Storm Drain Master Plan](#)

Chuck Gillette stated that this is the presentation that Tom Jorgensen gave at the previous City Council meeting and the purpose of this meeting is to see if the Council Members have any comments on the priorities that were in the report. **Council Member Densley** inquired if it impacts Anasazi Valley. **Chuck Gillette** indicated that the Santa Clara River floods its banks when there are long durations of rainfall or several days of rain. **Council Member Densley** stated that Mr. Hafen is very concerned because his property was flooded. **Council Member Densley** recommended that Chuck sit down with him and discuss this. **Mayor Hart** asked for Chucks Gillette's opinion on which projects are important. **Chuck Gillette** referred to 600 West down to the wash, 400 West detention basin to take water to Main Street and the 200 South segment. **Mayor Hart** indicated that the biggest problems are to the west and getting the water into the wash. The Priority One projects remove enough water that it mitigates it all to the wash. **Dale Coulam** stated Priority One projects are in the next ten (10) years and those can be placed in the Impact Fee Facilities Plan for future use of impact fees for those projects. **Mayor Hart** indicated the City needs to meet with David Hafen and suggested this agenda item be continued. **Council Member Roberts** inquired if a study can be done to assess potential damage that may happen to David Hafen's property. **Chuck Gillette** stated a study could be done and suggested that the City could do a deeper channel that wouldn't fill up as quickly. **Council Member Densley** inquired if there's money in the budget to do that. **Wally Ritchie** clarified that the City currently has a storm water bond that it's paying on but that it takes all of the City's impact fees and user fees to pay that now. There is nothing in reserve for storm water projects at this point. **Council Member Densley** inquired as to other sources of funding like the County or grants. **Chuck Gillette** stated that grants are hard to come by but a CIB (Community Impact Board) loan may be a possibility but money for drainage improvements is really hard to obtain. The **Mayor and City Council** determined that a meeting with David Hafen needs to occur before moving forward with this agenda item. **Chuck Gillette** indicated that he will call David Hafen and coordinate with Council Member Densley as well.

MOTION: Council Member Densley moved to continue this discussion to the next meeting, which will be the third Thursday of the month

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	ABSENT

E. [Discuss and consider approval of an expenditure for engineering services to construct Cliff Rose 2MG culinary water tank](#)

Chuck Gillette stated that there were eight (8) engineering firms that responded and the City has picked a reasonably priced firm that had the best qualifications. The City evaluated the firms on

their qualifications and costs and selected Sunrise Engineering. All of the engineering firms were capable and similar but he felt most comfortable with Sunrise Engineering because they handled the Kayenta 1 MG tank approximately six (6) or seven (7) years ago.

MOTION: Council Member Densley moved to approve the expenditure for engineering services to construct Cliff Rose 2MG culinary water tank.

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	ABSENT

F. [Discuss and consider approval of an expenditure for Right-of-Way acquisition consulting services for Kwavasa Drive](#)

Chuck Gillette stated that he submitted this project to the COG (Five County Association of Governments) for funding and they selected Ivins City to receive a grant. **Council Member McDonald** inquired what the amount of the expenditure is. **Chuck Gillette** indicated it is \$103,500.00 which will allow the City to start all of the negotiations and then receive reimbursement in the future.

MOTION: Council Member Elwell moved to approve an expenditure of \$103,500 for Right-of-Way acquisition consulting services for Kwavasa Drive

SECOND: Council Member Densley

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	ABSENT

G. [Discuss and consider approval of scheduling a Special City Council Meeting on Thursday, November 12, 2015 to canvass the Municipal election](#)

Dale Coulam stated that the canvass meeting has to be held not less than seven (7) days nor more than fourteen (14) days after the election and today is day 9. He proposed that the canvass meeting be held on Thursday, November 12, 2015. The **Mayor and City Council Members** agreed.

MOTION: Council Member McDonald moved to approve the scheduling for the Special City Council Meeting for Thursday, November 12th for the canvassing of the Municipal election.

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
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Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	ABSENT

6) **CONSENT AGENDA**

- A. Approval of UDOT's Federal Aid Agreement Supplement Modification #3 for Old Highway 91 improvement project and approval of expenditure of matching funds
- B. Approval of City Council and Planning Commission Joint Special Meeting Minutes for October 6, 2015
- C. Approval of City Council Special Meeting Minutes for October 13, 2015
- D. Approval of City Council Meeting Minutes for October 15, 2015

MOTION: Council Member McDonald moved to approve the Consent Agenda

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	ABSENT

7) **CONSENT AGENDA ITEMS FOR DISCUSSION-None.**

8) **REPORTS**

A. Council

Council Member Elwell - no report

Council Member McDonald reported that recycling participation came in at 78%, which will lower the price for residents.

Council Member Mendenhall - no report

Council Member Roberts - no report

Council Member Densley - no report

B. **Mayor**

No report

C. **City Manager/Attorney Dale Coulam**

Dale Coulam reported that Rocky Vista University has filed an application for a Class IV CUP (Conditional Use Permit) for an educational facility and for a special exception for an entry feature and that will be on the Planning Commission's agenda on Tuesday, November 17, 2015. Dale invited the City Council to attend the Planning Commission's meeting to hear the presentation.

D. **Items to be placed on future agendas**

Council Member Roberts inquired if the process for Public Hearings will be discussed soon. **Dale Coulam** stated yes and that the Planning Commission would consider that first since it is a land use amendment. At a recent land use law conference it was emphasized that Public Hearings are held to hear evidence for legislative action rather than administrative actions, such as subdivision, that simply follow the requirements set forth in ordinances. If it follows the

ordinances, the developer is entitled to an approval and that can be frustrating to the public at times. .

9) CLOSED MEETING-None.

10) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Elwell

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mendenhall	ABSENT

The meeting adjourned at 7:30 p.m.

Respectfully,

*Kari Jimenez

City Recorder

*Deputy City Recorder Sharon Allen was in attendance at this meeting. City Recorder Kari Jimenez prepared these Minutes.